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8
9 **UNITED STATES DISTRICT COURT**
10 **CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**
11

12 MELBA ORTEGA,

13 Plaintiff,

14 v.

15 COUNTY OF LOS ANGELES, a
municipal entity; KONRAD THIEME,
16 an individual, DOES 1-10, inclusive,

17 Defendants.
18

Case No. 2:24-cv-03687-AB (MRWx)

**DEFENDANT COUNTY OF LOS
ANGELES' ANSWER TO
PLAINTIFF MELBA ORTEGA'S
FIRST AMENDED COMPLAINT:
DEMAND FOR JURY TRIAL**

[Assigned to Hon. André Birotte Jr.
Courtroom "7B"]

19 Defendant COUNTY OF LOS ANGELES' ("Defendant"), for themselves and
20 no other person, firm or corporation, answers the First Amended Complaint of
21 Plaintiff MELBA ORTEGA ("Plaintiff") as follows:

22 **INTRODUCTION**

23 1. Answering Paragraph 1, Defendant lacks sufficient knowledge or
24 information to form a belief concerning the truth of the factual allegations contained
25 therein and on that basis denies such allegations.

26 2. Answering Paragraph 2, Defendant lacks sufficient knowledge or
27 information to form a belief concerning the truth of the factual allegations contained
28

1 therein and on that basis denies such allegations. Paragraph 2 further contains legal
2 conclusions and argument as to which no response is required.

3 3. Answering Paragraph 3, Defendant admits that at times relevant hereto,
4 Defendant Konrad Thieme was employed by the County of Los Angeles. As to the
5 remained of the allegations, contained in paragraph 3, Defendant lacks sufficient
6 knowledge or information to form a belief concerning the truth of the factual
7 allegations contained therein and on that basis denies such allegations. Except as
8 expressly admitted herein, Defendant denies each and every allegation contained
9 therein.

10 4. Answering Paragraph 4, Defendant lacks sufficient knowledge or
11 information to form a belief concerning the truth of the factual allegations contained
12 therein and on that basis denies such allegations. Paragraph 4 further contains legal
13 conclusions and argument as to which no response is required.

14 5. Answering Paragraph 5, Defendant lacks sufficient knowledge or
15 information to form a belief concerning the truth of the factual allegations contained
16 therein and on that basis denies such allegations. Paragraph 5 further contains legal
17 conclusions and argument as to which no response is required.

18 6. Answering Paragraph 6, Defendant lacks sufficient knowledge or
19 information to form a belief concerning the truth of the factual allegations contained
20 therein and on that basis denies such allegations. Paragraph 6 further contains legal
21 conclusions and argument as to which no response is required.

22 7. Answering Paragraph 7, Defendant lacks sufficient knowledge or
23 information to form a belief concerning the truth of the factual allegations contained
24 therein and on that basis denies such allegations. Paragraph 7 further contains legal
25 conclusions and argument as to which no response is required.

26 8. Answering Paragraph 8, Defendant lacks sufficient knowledge or
27 information to form a belief concerning the truth of the factual allegations contained
28

1 therein and on that basis denies such allegations. Paragraph 8 further contains legal
 2 conclusions and argument as to which no response is required.

3 9. Answering Paragraph 9, Defendant lacks sufficient knowledge or
 4 information to form a belief concerning the truth of the factual allegations contained
 5 therein and on that basis denies such allegations. Paragraph 9 further contains legal
 6 conclusions and argument as to which no response is required.

7 10. Answering Paragraph 10, Defendant lacks sufficient knowledge or
 8 information to form a belief concerning the truth of the factual allegations contained
 9 therein and on that basis denies such allegations. Paragraph 10 further contains legal
 10 conclusions and argument as to which no response is required.

11 11. Answering Paragraph 11, Defendant denies that the county and LASD
 12 have engaged in and continue to engage in a pattern or practice of unlawful police
 13 actions and excessive force directed at disabled residents in the County, including
 14 towards Plaintiff. As to the remainder of the allegations contained in said paragraph,
 15 Defendant is without sufficient knowledge or information to form a belief as to the
 16 truth of the allegations contained in said paragraph, and on that basis, Defendant
 17 denies each and every allegation. Paragraph 11 further contains legal conclusions and
 18 argument as to which no response is required.

19 JURISDICTION AND VENUE

20 12. Answering Paragraph 12, Defendant removed this action to federal court.
 21 Defendant admits that the United States District Court in the Central District of
 22 California, Western Division has jurisdiction over Plaintiff's causes of action.

23 PARTIES

24 13. Answering Paragraph 13, Defendant lacks sufficient knowledge or
 25 information to form a belief concerning the truth of the factual allegations contained
 26 therein and on that basis denies such allegations.

27 14. Answering Paragraph 14, Defendant admits that Defendant Konrad
 28 Thieme was employed by the County of Los Angeles. As to the remainder of the

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1 allegations contained in said paragraph, Defendant is without sufficient knowledge or
2 information to form a belief as to the truth of the allegations contained in said
3 paragraph, and on that basis, Defendant denies each and every allegation. Moreover,
4 Plaintiff's allegations in said paragraph are overbroad, vague, and ambiguous and thus
5 Defendant denies each and every remaining allegation in said paragraph.

6 15. Answering Paragraph 15, Defendant admits that Defendant County of
7 Los Angeles is a duly constituted governmental entity in the State of California and
8 employed Defendant Konrad Thieme at all relevant times herein. As to the remainder
9 of the allegations contained in said paragraph, Defendant lacks sufficient knowledge
10 or information to form a belief concerning the truth of all other factual allegations
11 contained therein and on that basis denies such allegations. Paragraph 15 further
12 contains legal conclusions and argument as to which no response is required.

13 16. Answering Paragraph 16, Defendant lacks sufficient knowledge or
14 information to form a belief concerning the truth of the factual allegations contained
15 therein and on that basis denies such allegations. Paragraph 16 further contains legal
16 conclusions and argument as to which no response is required.

17 17. Answering Paragraph 17, Defendant lacks sufficient knowledge or
18 information to form a belief concerning the truth of the factual allegations contained
19 therein and on that basis denies such allegations. Paragraph 17 further contains legal
20 conclusions and argument as to which no response is required.

21 18. Answering Paragraph 18, Defendant lacks sufficient knowledge or
22 information to form a belief concerning the truth of the factual allegations contained
23 therein and on that basis denies such allegations. Paragraph 18 further contains legal
24 conclusions and argument as to which no response is required.

25 19. Answering Paragraph 19, Defendant lacks sufficient knowledge or
26 information to form a belief concerning the truth of the factual allegations contained
27 therein and on that basis denies such allegations. Paragraph 19 further contains legal
28 conclusions and argument as to which no response is required.

1 20. Answering Paragraph 20, Defendant lacks sufficient knowledge or
2 information to form a belief concerning the truth of the factual allegations contained
3 therein and on that basis denies such allegations. Paragraph 20 further contains legal
4 conclusions and argument as to which no response is required.

5 21. Answering Paragraph 21, Defendant lacks sufficient knowledge or
6 information to form a belief concerning the truth of the factual allegations contained
7 therein and on that basis denies such allegations. Paragraph 21 further contains legal
8 conclusions and argument as to which no response is required.

9 **FACTS APPLICABLE TO ALL CAUSES OF ACTION**

10 22. Answering Paragraph 22, Defendant lacks sufficient knowledge or
11 information to form a belief concerning the truth of the factual allegations contained
12 therein and on that basis denies such allegations. Paragraph 22 further contains legal
13 conclusions and argument as to which no response is required.

14 23. Answering Paragraph 23, Defendant lacks sufficient knowledge or
15 information to form a belief concerning the truth of the factual allegations contained
16 therein and on that basis denies such allegations. Paragraph 23 further contains legal
17 conclusions and argument as to which no response is required.

18 24. Answering Paragraph 24, Defendant lacks sufficient knowledge or
19 information to form a belief concerning the truth of the factual allegations contained
20 therein and on that basis denies such allegations. Paragraph 24 further contains legal
21 conclusions and argument as to which no response is required.

22 25. Answering Paragraph 25, Defendant lacks sufficient knowledge or
23 information to form a belief concerning the truth of the factual allegations contained
24 therein and on that basis denies such allegations. Paragraph 25 further contains legal
25 conclusions and argument as to which no response is required.

26 26. Answering Paragraph 26, Defendant lacks sufficient knowledge or
27 information to form a belief concerning the truth of the factual allegations contained
28

1 therein and on that basis denies such allegations. Paragraph 26 further contains legal
2 conclusions and argument as to which no response is required.

3 27. Answering Paragraph 27, Defendant lacks sufficient knowledge or
4 information to form a belief concerning the truth of the factual allegations contained
5 therein and on that basis denies such allegations. Paragraph 27 further contains legal
6 conclusions and argument as to which no response is required.

7 28. Answering Paragraph 28, Defendant lacks sufficient knowledge or
8 information to form a belief concerning the truth of the factual allegations contained
9 therein and on that basis denies such allegations. Paragraph 28 further contains legal
10 conclusions and argument as to which no response is required.

11 29. Answering Paragraph 29, Defendant lacks sufficient knowledge or
12 information to form a belief concerning the truth of the factual allegations contained
13 therein and on that basis denies such allegations. Paragraph 29 further contains legal
14 conclusions and argument as to which no response is required.

15 30. Answering Paragraph 30, Defendant lacks sufficient knowledge or
16 information to form a belief concerning the truth of the factual allegations contained
17 therein and on that basis denies such allegations. Paragraph 30 further contains legal
18 conclusions and argument as to which no response is required.

19 31. Answering Paragraph 31, Defendant lacks sufficient knowledge or
20 information to form a belief concerning the truth of the factual allegations contained
21 therein and on that basis denies such allegations. Paragraph 31 further contains legal
22 conclusions and argument as to which no response is required.

23 32. Answering Paragraph 32, Defendant lacks sufficient knowledge or
24 information to form a belief concerning the truth of the factual allegations contained
25 therein and on that basis denies such allegations. Paragraph 32 further contains legal
26 conclusions and argument as to which no response is required.

27 33. Answering Paragraph 33, Defendant lacks sufficient knowledge or
28 information to form a belief concerning the truth of the factual allegations contained

1 therein and on that basis denies such allegations. Paragraph 33 further contains legal
2 conclusions and argument as to which no response is required.

3 34. Answering Paragraph 34, Defendant lacks sufficient knowledge or
4 information to form a belief concerning the truth of the factual allegations contained
5 therein and on that basis denies such allegations. Paragraph 34 further contains legal
6 conclusions and argument as to which no response is required.

7 35. Answering Paragraph 35, Defendant lacks sufficient knowledge or
8 information to form a belief concerning the truth of the factual allegations contained
9 therein and on that basis denies such allegations. Paragraph 35 further contains legal
10 conclusions and argument as to which no response is required.

11 36. Answering Paragraph 36, Defendant lacks sufficient knowledge or
12 information to form a belief concerning the truth of the factual allegations contained
13 therein and on that basis denies such allegations. Paragraph 36 further contains legal
14 conclusions and argument as to which no response is required.

15 37. Answering Paragraph 37, Defendant lacks sufficient knowledge or
16 information to form a belief concerning the truth of the factual allegations contained
17 therein and on that basis denies such allegations. Paragraph 37 further contains legal
18 conclusions and argument as to which no response is required.

19 38. Answering Paragraph 38, Defendant lacks sufficient knowledge or
20 information to form a belief concerning the truth of the factual allegations contained
21 therein and on that basis denies such allegations. Paragraph 38 further contains legal
22 conclusions and argument as to which no response is required.

23 39. Answering Paragraph 39, Defendant admits that unreasonable force is
24 prohibited, the use of unreasonable force will subject Department members to
25 discipline. As to the remaining allegations, Defendant lacks sufficient knowledge or
26 information to form a belief concerning the truth of all other factual allegations
27 contained therein and on that basis denies such allegations. Paragraph 39 further
28 contains legal conclusions and argument as to which no response is required.

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40. Answering Paragraph 40, Defendant lacks sufficient knowledge or information to form a belief concerning the truth of the factual allegations contained therein and on that basis denies such allegations. Paragraph 40 further contains legal conclusions and argument as to which no response is required.

41. Answering Paragraph 41, Defendant lacks sufficient knowledge or information to form a belief concerning the truth of the factual allegations contained therein and on that basis denies such allegations. Paragraph 41 further contains legal conclusions and argument as to which no response is required.

42. Answering Paragraph 42, Defendant admits that the County of Los Angeles employed Defendant Thieme at all relevant times, herein. As to the remaining allegations, Defendant lacks sufficient knowledge or information to form a belief concerning the truth of all other factual allegations contained therein and on that basis denies such allegations. Paragraph 42 further contains legal conclusions and argument as to which no response is required.

43. Answering Paragraph 43, Defendant lacks sufficient knowledge or information to form a belief concerning the truth of the factual allegations contained therein and on that basis denies such allegations. Paragraph 43 further contains legal conclusions and argument as to which no response is required.

44. Answering Paragraph 44, Defendant lacks sufficient knowledge or information to form a belief concerning the truth of the factual allegations contained therein and on that basis denies such allegations. Paragraph 44 further contains legal conclusions and argument as to which no response is required.

FIRST CAUSE OF ACTION

VIOLATIONS OF CALIFORNIA GOVERNMENT CODE § 11135, VIOLATION OF THE AMERICAN DISABILITIES ACT, INCLUDING UNDER TITLE II AGAINST THE DEFENDANT COUNTY OF LOS ANGELES, DEFENDANT KONRAD THIEME AND DOE DEFENDANTS 1-

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1 45. Answering Paragraph 45, which incorporates by reference the
2 allegations of other paragraphs of the pleading, Defendant to the same extent
3 incorporate by reference the answers provided herein to those paragraphs.

4 46. Answering Paragraph 46, Defendant admits that the American
5 Disabilities Act ("ADA") is a civil rights law that prohibits discrimination based on
6 disability. As to the remaining allegations, Defendant lacks sufficient knowledge or
7 information to form a belief concerning the truth of all other factual allegations
8 contained therein and on that basis denies such allegations. Paragraph 46 further
9 contains legal conclusions and argument as to which no response is required.

10 47. Answering Paragraph 47, Defendant lacks sufficient knowledge or
11 information to form a belief concerning the truth of the factual allegations contained
12 therein and on that basis denies such allegations. Paragraph 47 further contains legal
13 conclusions and argument as to which no response is required. Moreover, Plaintiff's
14 allegations in said paragraph are overbroad, vague, and ambiguous and thus
15 Defendant denies each and every remaining allegation in said paragraph.

16 48. Answering Paragraph 48, Defendant lacks sufficient knowledge or
17 information to form a belief concerning the truth of the factual allegations contained
18 therein and on that basis denies such allegations. Paragraph 48 further contains legal
19 conclusions and argument as to which no response is required. Moreover, Plaintiff's
20 allegations in said paragraph are overbroad, vague, and ambiguous and thus
21 Defendant denies each and every remaining allegation in said paragraph.

22 49. Answering Paragraph 49, Defendant lacks sufficient knowledge or
23 information to form a belief concerning the truth of the factual allegations contained
24 therein and on that basis denies such allegations. Paragraph 49 further contains legal
25 conclusions and argument as to which no response is required. Moreover, Plaintiff's
26 allegations in said paragraph are overbroad, vague, and ambiguous and thus
27 Defendant denies each and every remaining allegation in said paragraph.

28

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50. Answering Paragraph 50, Defendant lacks sufficient knowledge or information to form a belief concerning the truth of the factual allegations contained therein and on that basis denies such allegations. Paragraph 50 further contains legal conclusions and argument as to which no response is required. Moreover, Plaintiff's allegations in said paragraph are overbroad, vague, and ambiguous and thus Defendant denies each and every remaining allegation in said paragraph.

51. Answering Paragraph 51, Defendant lacks sufficient knowledge or information to form a belief concerning the truth of the factual allegations contained therein and on that basis denies such allegations. Paragraph 51 further contains legal conclusions and argument as to which no response is required. Moreover, Plaintiff's allegations in said paragraph are overbroad, vague, and ambiguous and thus Defendant denies each and every remaining allegation in said paragraph.

52. Answering Paragraph 52, Defendant lacks sufficient knowledge or information to form a belief concerning the truth of the factual allegations contained therein and on that basis denies such allegations. Paragraph 52 further contains legal conclusions and argument as to which no response is required. Moreover, Plaintiff's allegations in said paragraph are overbroad, vague, and ambiguous and thus Defendant denies each and every remaining allegation in said paragraph. Defendant denies that Plaintiff is entitled to an award of damages, or any other form of relief as requested in the FAC as a result of the acts or omissions by this answering Defendant.

SECOND CAUSE OF ACTION

DEPRIVATION OF CIVIL RIGHTS § 52.1 (THE BANE ACT, IN VIOLATION OF ADA, TITLE II, CALIFORNIA GOVERNMENT CODE § 11135) AGAINST THE DEFENDANT COUNTY OF LOS ANGELES, DEFENDANT KONRAD THIEME AND DOE DEFENDANTS 1-10

53. Answering Paragraph 53, which incorporates by reference the allegations of other paragraphs of the pleading, Defendant to the same extent incorporate by reference the answers provided herein to those paragraphs.

1 54. Answering Paragraph 54, Defendant lacks sufficient knowledge or
2 information to form a belief concerning the truth of the factual allegations contained
3 therein and on that basis denies such allegations. Paragraph 54 further contains legal
4 conclusions and argument as to which no response is required. Moreover, Plaintiff's
5 allegations in said paragraph are overbroad, vague, and ambiguous and thus
6 Defendant denies each and every remaining allegation in said paragraph.

7 55. Answering Paragraph 55, lacks sufficient knowledge or information to
8 form a belief concerning the truth of the factual allegations contained therein and on
9 that basis denies such allegations. Paragraph 55 further contains legal conclusions
10 and argument as to which no response is required. Moreover, Plaintiff's allegations in
11 said paragraph are overbroad, vague, and ambiguous and thus Defendant denies each
12 and every remaining allegation in said paragraph.

13 56. Answering Paragraph 56, lacks sufficient knowledge or information to
14 form a belief concerning the truth of the factual allegations contained therein and on
15 that basis denies such allegations. Paragraph 56 further contains legal conclusions
16 and argument as to which no response is required. Moreover, Plaintiff's allegations in
17 said paragraph are overbroad, vague, and ambiguous and thus Defendant denies each
18 and every remaining allegation in said paragraph.

19 57. Answering Paragraph 57, Defendant lacks sufficient knowledge or
20 information to form a belief concerning the truth of the factual allegations contained
21 therein and on that basis denies such allegations. Paragraph 57 further contains legal
22 conclusions and argument as to which no response is required. Moreover, Plaintiff's
23 allegations in said paragraph are overbroad, vague, and ambiguous and thus
24 Defendant denies each and every remaining allegation in said paragraph.

25 58. Answering Paragraph 58, Defendant lacks sufficient knowledge or
26 information to form a belief concerning the truth of the factual allegations contained
27 therein and on that basis denies such allegations. Paragraph 58 further contains legal
28 conclusions and argument as to which no response is required. Moreover, Plaintiff's

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allegations in said paragraph are overbroad, vague, and ambiguous and thus Defendant denies each and every remaining allegation in said paragraph.

59. Answering Paragraph 59, Defendant lacks sufficient knowledge or information to form a belief concerning the truth of the factual allegations contained therein and on that basis denies such allegations. Paragraph 59 further contains legal conclusions and argument as to which no response is required. Moreover, Plaintiff's allegations in said paragraph are overbroad, vague, and ambiguous and thus Defendant denies each and every remaining allegation in said paragraph.

60. Answering Paragraph 60, Defendant lacks sufficient knowledge or information to form a belief concerning the truth of the factual allegations contained therein and on that basis denies such allegations. Paragraph 60 further contains legal conclusions and argument as to which no response is required. Moreover, Plaintiff's allegations in said paragraph are overbroad, vague, and ambiguous and thus Defendant denies each and every remaining allegation in said paragraph. Defendant denies that Plaintiff is entitled to an award of damages, or any other form of relief as requested in the FAC as a result of the acts or omissions by this answering Defendant.

THIRD CAUSE OF ACTION

DEPRIVATION OF CIVIL RIGHTS § 51.7 (THE RALPH ACT IN VIOLATION OF THE ADA, TITLE II, CALIFORNIA GOVERNMENT CODE § 11135 AGAINST THE DEFENDANT COUNTY OF LOS ANGELES, DEFENDANT KONRAD THIEME AND DOE DEFENDANTS 1-10)

61. Answering Paragraph 61, which incorporates by reference the allegations of other paragraphs of the pleadings, Defendant to the same extent incorporate by reference the answers provided herein to those paragraphs.

62. Answering Paragraph 62, lacks sufficient knowledge or information to form a belief concerning the truth of the factual allegations contained therein and on that basis denies such allegations. Paragraph 62 further contains legal conclusions and argument as to which no response is required. Moreover, Plaintiff's allegations in

1 said paragraph are overbroad, vague, and ambiguous and thus Defendant denies each
2 and every remaining allegation in said paragraph.

3 63. Answering Paragraph 63, Defendant lacks sufficient knowledge or
4 information to form a belief concerning the truth of the factual allegations contained
5 therein and on that basis denies such allegations. Paragraph 63 further contains legal
6 conclusions and argument as to which no response is required. Moreover, Plaintiff's
7 allegations in said paragraph are overbroad, vague, and ambiguous and thus
8 Defendant denies each and every remaining allegation in said paragraph.

9 64. Answering Paragraph 64, Defendant admits that The American
10 Disabilities Act ("ADA") is a civil rights law that prohibits discrimination. As to the
11 remaining allegations, Defendant lacks sufficient knowledge or information to form
12 a belief concerning the truth of all other factual allegations contained therein and on
13 that basis denies such allegations. Paragraph 64 further contains legal conclusions
14 and argument as to which no response is required. Moreover, Plaintiff's allegations
15 in said paragraph are overbroad, vague, and ambiguous and thus Defendants deny
16 each and every remaining allegation in said paragraph.

17 65. Answering Paragraph 65, Defendant lacks sufficient knowledge or
18 information to form a belief concerning the truth of the factual allegations contained
19 therein and on that basis denies such allegations. Paragraph 65 further contains legal
20 conclusions and argument as to which no response is required. Moreover, Plaintiff's
21 allegations in said paragraph are overbroad, vague, and ambiguous and thus
22 Defendant denies each and every remaining allegation in said paragraph.

23 66. Answering Paragraph 66, Defendant lacks sufficient knowledge or
24 information to form a belief concerning the truth of the factual allegations contained
25 therein and on that basis denies such allegations. Paragraph 66 further contains legal
26 conclusions and argument as to which no response is required. Moreover, Plaintiff's
27 allegations in said paragraph are overbroad, vague, and ambiguous and thus
28 Defendant denies each and every remaining allegation in said paragraph.

67. Answering Paragraph 67, Defendant lacks sufficient knowledge or information to form a belief concerning the truth of the factual allegations contained therein and on that basis denies such allegations. Paragraph 67 further contains legal conclusions and argument as to which no response is required. Defendant denies that Plaintiff is entitled to an award of damages, or any other form of relief as requested in the FAC as a result of the acts or omissions by this answering defendant.

FOURTH CAUSE OF ACTION

VIOLATIONS OF THE AMERICAN DISABILITIES ACT, TITLE II
DEPRIVATION OF CIVIL RIGHTS UNDER 42 U.S.C. §§ 12131-12165
AGAINST DEFENDANT COUNTY OF LOS ANGELES DEFENDANT

KONRAD THIEME AND DOE DEFENDANTS 1-10

68. Answering Paragraph 67, which incorporates by reference the allegations of other paragraphs of the pleading, Defendant to the same extent incorporate by reference the answers provided herein to those paragraphs.

69. Answering Paragraph 69, Defendant lacks sufficient knowledge or information to form a belief concerning the truth of the factual allegations contained therein and on that basis denies such allegations. Paragraph 69 further contains legal conclusions and argument as to which no response is required. Moreover, Plaintiff's allegations in said paragraph are overbroad, vague, and ambiguous and thus Defendant denies each and every remaining allegation in said paragraph.

70. Answering Paragraph 70, Defendant admits that Title II of the ADA (42 U.S.C. Sections 12131-12165) prohibits discrimination against people with disabilities by "public entities". As to the remaining allegations, Defendant lacks sufficient knowledge or information to form a belief concerning the truth of all other factual allegations contained therein and on that basis denies such allegations. Paragraph 70 further contains legal conclusions and argument as to which no response is required. Moreover, Plaintiff's allegations in said paragraph are overbroad, vague,

1 and ambiguous and thus Defendant denies each and every remaining allegation in said
2 paragraph.

3 71. Answering Paragraph 71, Defendant lacks sufficient knowledge or
4 information to form a belief concerning the truth of the factual allegations contained
5 therein and on that basis denies such allegations. Paragraph 71 further contains legal
6 conclusions and argument as to which no response is required. Moreover, Plaintiff's
7 allegations in said paragraph are overbroad, vague, and ambiguous and thus
8 Defendant denies each and every remaining allegation in said paragraph.

9 72. Answering Paragraph 72, Defendant lacks sufficient knowledge or
10 information to form a belief concerning the truth of the factual allegations contained
11 therein and on that basis denies such allegations. Paragraph 72 further contains legal
12 conclusions and argument as to which no response is required. Moreover, Plaintiff's
13 allegations in said paragraph are overbroad, vague, and ambiguous and thus
14 Defendant denies each and every remaining allegation in said paragraph.

15 73. Answering Paragraph 73, Defendant lacks sufficient knowledge or
16 information to form a belief concerning the truth of the factual allegations contained
17 therein and on that basis denies such allegations. Paragraph 73 further contains legal
18 conclusions and argument as to which no response is required. Moreover, Plaintiff's
19 allegations in said paragraph are overbroad, vague, and ambiguous and thus
20 Defendant denies each and every remaining allegation in said paragraph.

21 74. Answering Paragraph 74, Defendant denies each and every allegation
22 contained therein. Defendant lacks sufficient knowledge or information to form a
23 belief concerning the truth of the factual allegations contained therein and on that
24 basis denies such allegations. Paragraph 73 further contains legal conclusions and
25 argument as to which no response is required. Moreover, Plaintiff's allegations in said
26 paragraph are overbroad, vague, and ambiguous and thus, Defendant denies each and
27 every remaining allegation in said paragraph.

28

1 75. Answering Paragraph 75, Defendant lacks sufficient knowledge or
2 information to form a belief concerning the truth of the factual allegations contained
3 therein and on that basis denies such allegations. Paragraph 75 further contains legal
4 conclusions and argument as to which no response is required. Moreover, Plaintiff's
5 allegations in said paragraph are overbroad, vague, and ambiguous and thus,
6 Defendant denies each and every remaining allegation in said paragraph.

7 76. Answering Paragraph 76, Defendant lacks sufficient knowledge or
8 information to form a belief concerning the truth of the factual allegations contained
9 therein and on that basis denies such allegations. Paragraph 76 further contains legal
10 conclusions and argument as to which no response is required. Moreover, Plaintiff's
11 allegations in said paragraph are overbroad, vague, and ambiguous and thus,
12 Defendant denies each and every remaining allegation in said paragraph.

13 77. Answering Paragraph 77, Defendant lacks sufficient knowledge or
14 information to form a belief concerning the truth of the factual allegations contained
15 therein and on that basis denies such allegations. Paragraph 77 further contains legal
16 conclusions and argument as to which no response is required. Moreover, Plaintiff's
17 allegations in said paragraph are overbroad, vague, and ambiguous and thus,
18 Defendant denies each and every remaining allegation in said paragraph.

19 78. Answering Paragraph 78, Defendant lacks sufficient knowledge or
20 information to form a belief concerning the truth of the factual allegations contained
21 therein and on that basis denies such allegations. Paragraph 78 further contains legal
22 conclusions and argument as to which no response is required. Moreover, Plaintiff's
23 allegations in said paragraph are overbroad, vague, and ambiguous and thus,
24 Defendant denies each and every remaining allegation in said paragraph.

25 79. Answering Paragraph 79, Defendant lacks sufficient knowledge or
26 information to form a belief concerning the truth of the factual allegations contained
27 therein and on that basis denies such allegations. Paragraph 79 further contains legal
28 conclusions and argument as to which no response is required. Moreover, Plaintiff's

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allegations in said paragraph are overbroad, vague, and ambiguous and thus, Defendant denies each and every remaining allegation in said paragraph.

80. Answering Paragraph 80, Defendant lacks sufficient knowledge or information to form a belief concerning the truth of the factual allegations contained therein and on that basis denies such allegations. Paragraph 80 further contains legal conclusions and argument as to which no response is required. Moreover, Plaintiff's allegations in said paragraph are overbroad, vague, and ambiguous and thus, Defendant denies each and every remaining allegation in said paragraph.

81. Answering Paragraph 81, Defendant lacks sufficient knowledge or information to form a belief concerning the truth of the factual allegations contained therein and on that basis denies such allegations. Paragraph 81 further contains legal conclusions and argument as to which no response is required. Defendant denies that Plaintiff is entitled to an award of damages, or any other form of relief as requested in the FAC as a result of the acts or omissions by the answering Defendant.

PRAYER FOR RELIEF

In an answer to Plaintiff's Prayer for Relief, Numbers 1-8, Defendant denies generally and specifically each and every allegation contained therein as it refers to this answering Defendant, and further denies that Plaintiff is entitled to an award of damages, including punitive damages, equitable relief or any other relief as a result of any act or omission by this answering Defendant.

AFFIRMATIVE DEFENSES

As for its separate affirmative defenses, Defendant alleges as follows:

FIRST AFFIRMATIVE DEFENSE

(Failure to State a Cause of Action)

As a separate and distinct affirmative defense, this answering Defendant alleges the operative Complaint fails to state facts sufficient to constitute a cause of action.

///

SECOND AFFIRMATIVE DEFENSE

(Failure to Comply with the Governmental Tort Claims Act)

As a separate and distinct affirmative defense, this answering Defendant alleges that Plaintiff failed to comply with the Government Tort Claims Act, including but not limited to those provisions contained in California Government Code sections 911.2, 945.4, 945.6, 950.2 and 950.6.

THIRD AFFIRMATIVE DEFENSE

(Statute of Limitations)

As a separate and distinct affirmative defense, this answering Defendant alleges that Plaintiff's claims are barred by the applicable statute of limitations required for ADA claims.

FOURTH AFFIRMATIVE DEFENSE

(Non-Policy Makers)

As a separate and distinct affirmative defense, this answering Defendant alleges that they are not liable for alleged violation by non-policymakers of civil or constitutional rights.

FIFTH AFFIRMATIVE DEFENSE

(Consent by Plaintiff)

As a separate and distinct affirmative defense, Plaintiff agreed to, and, participated in, those actions which Plaintiff claims to have caused injury or damage. Since such participation and consent were given knowingly and voluntarily, Plaintiff's claims are invalid.

SIXTH AFFIRMATIVE DEFENSE

(Contributory Negligence)

As a separate and distinct affirmative defense, this answering Defendant places in issue the negligence, if any, of all persons which contributed in any degree to the happening of the incident(s) alleged in the operative Complaint, and the degree that such negligence contributed to the incident(s), damages, and/or the injuries sustained

1 as a result of said incident.

2 **SEVENTH AFFIRMATIVE DEFENSE**

3 **(Mitigation of Damages)**

4 As a separate and distinct affirmative defense, this answering Defendant alleges
5 Plaintiff failed to take reasonable measures to decrease or eliminate the damages of
6 which Plaintiff now complains.

7 **EIGHTH AFFIRMATIVE DEFENSE**

8 **(Exercise of Reasonable Care and Good Faith)**

9 As a separate and distinct affirmative defense, this answering Defendant
10 alleges, at all times relevant herein, Defendant exercised reasonable care and good
11 faith and its conduct was absolutely and/or conditionally legally privileged, and/or
12 justified. Defendant did not know, and in the exercise of reasonable care could not
13 have known, of the alleged acts or allegations in connection within the conditions
14 which are the subject of the Operative Complaint. Defendant therefore alleges that
15 they are not liable for acts made in good faith and under the apparent authority of an
16 enactment that is unconstitutional, invalid or inapplicable and further not liable
17 pursuant to Government Code section 820.6.

18 **NINTH AFFIRMATIVE DEFENSE**

19 **(Third-Party Negligence)**

20 As a separate and distinct affirmative defense, this answering Defendant alleges
21 Plaintiff's alleged injuries, if any, were caused by the negligence, carelessness, fault,
22 strict liability, acts or omissions of third parties for which this answering Defendant
23 have no legal responsibility.

24 **TENTH AFFIRMATIVE DEFENSE**

25 **(Third-Party Negligence/Proportionate Recovery)**

26 As a separate and distinct affirmative defense, this answering Defendant alleges
27 Plaintiff's damages, if any, contained in the operative Complaint, were caused by
28 persons and/or entities other than this answering Defendant, who failed to exercise

ordinary care, caution or prudence and were negligent in their dealing with Plaintiff, and that at all times, said persons or entities were acting without consent, authorization, knowledge and/or ratification of this answering Defendant. Accordingly, any recovery against Defendant by Plaintiff, if any, must be precluded and/or reduced in a proportionate amount to the fault on the part of such other persons and/or entities.

ELEVENTH AFFIRMATIVE DEFENSE

(Intervening and Superseding Actions)

As a separate and distinct affirmative defense, this answering Defendant alleges the injuries and damages sustained by Plaintiff if any, were proximately caused by the intervening and superseding actions of others, which intervening and superseding actions bar and/or diminish Plaintiff's recovery, if any, against this answering Defendant.

TWELFTH AFFIRMATIVE DEFENSE

(No Causal Connection)

As a separate and distinct affirmative defense, this answering Defendant alleges Plaintiff failed to plead or describe a causal connection between the alleged damages and the alleged acts or omissions of this answering Defendant.

THIRTEENTH AFFIRMATIVE DEFENSE

(Comparative Fault)

As a separate and distinct affirmative defense, this answering Defendant alleges that any injury alleged in the operative Complaint was directly or proximately caused and contributed to by the actions of other persons. Therefore, Plaintiff's recovery against Defendant, if any, should be reduced in proportion to the percentage of responsibility attributable to persons or entities other than Defendant.

FOURTEENTH AFFIRMATIVE DEFENSE

(Substantial Factor)

As a separate and distinct affirmative defense, this answering Defendant alleges

1 that the negligence, if any, of this Defendant were not a substantial factor in bringing
2 about Plaintiff's alleged injuries and, therefore, was not a contributing cause thereof,
3 but was superseded by the negligence of others, whose negligence was an
4 independent, intervening and proximate cause of any injury or damage suffered by
5 the Plaintiff.

6 **FIFTEENTH AFFIRMATIVE DEFENSE**

7 **(Cause in Fact)**

8 As a separate and distinct affirmative defense, this answering Defendant alleges
9 the Operative Complaint, and each claim contained therein, is barred on the ground
10 that this answering Defendant was not the cause in fact of any alleged damage, injury
11 or loss to Plaintiff, if any.

12 **SIXTEENTH AFFIRMATIVE DEFENSE**

13 **(Substantial Cause)**

14 As a separate and distinct affirmative defense, this answering Defendant alleges
15 that the Operative Complaint, and each claim contained therein, is barred on the
16 ground that that this answering Defendant was not a substantial cause of any alleged
17 damage, injury or loss to Plaintiff.

18 **SEVENTEENTH AFFIRMATIVE DEFENSE**

19 **(Claims against Government Entities)**

20 As a separate and distinct affirmative defense, this answering Defendant alleges
21 this action is barred pursuant to Government Code sections 905, 911.4, 945.4, and
22 945.6. et seq..

23 **EIGHTEENTH AFFIRMATIVE DEFENSE**

24 **(Immunity)**

25 As a separate and distinct affirmative defense, this answering Defendant alleges
26 that Plaintiff's claims against these Defendant is barred as Defendant is immune from
27 the allegations set forth in the operative Complaint.

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NINETEENTH AFFIRMATIVE DEFENSE

(Sovereign Immunity)

As a separate and distinct affirmative defense, this answering Defendant alleges that it is not liable for alleged violation by non-policymakers of civil or constitutional rights.

TWENTIETH AFFIRMATIVE DEFENSE

(Government Code Title 1, Division 3.6, part 2, Chapter 1)

As a separate and distinct affirmative defense, this answering Defendant alleges that the operative Complaint and each purported cause of action contained therein, does not state facts sufficient to constitute a cause of action.

TWENTY-FIRST AFFIRMATIVE DEFENSE

(Governmental Immunities)

As a separate and distinct affirmative defense, this answering Defendant alleges that the operative Complaint, and each cause of action contained therein, is barred as Defendant is entitled to statutory immunities under Government Code sections 815, 815.2, 815.6, 818, 818.2, 818.6, 818.8, 820, 820.2, 820.4, 820.6, 820.8, 821, 821.4, and 840.

TWENTY-SECOND AFFIRMATIVE DEFENSE

(Immunity for Adoption or Failure to Adopt or Enforce a Law)

As a separate and distinct affirmative defense, this answering Defendant alleges that it is not liable pursuant to statute by operation of Government Code sections 818.2 or 821 for the adoption or failure to adopt or enforce any law.

TWENTY-THIRD AFFIRMATIVE DEFENSE

(Immunity for Acts of Third Parties)

Defendant alleges that it is not liable for the negligent act or omission of a third party or another person, pursuant to statute by operation of Government Code sections 820.8, 815.2(b) and 815.4.

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TWENTY-FOURTH AFFIRMATIVE DEFENSE

(Acts or Omissions by Others)

As a separate and distinct affirmative defense, this answering Defendant alleges that it is not liable by operation of Government Code sections 815.2(b) and 820.8, in that the injuries and damages, if any, were caused by the acts or omissions of other persons, not employees or agents of Defendant COUNTY OF LOS ANGELES and/or LOS ANGELES COUNTY SHERIFF'S DEPARTMENT.

TWENTY-FIFTH AFFIRMATIVE DEFENSE

(Absolute Immunity)

As a separate and distinct affirmative defense, this answering Defendant alleges that Plaintiff's claims against this answering Defendant is barred as Defendant has absolute immunity from the allegations set forth in the operative Complaint.

TWENTY-SIXTH AFFIRMATIVE DEFENSE

(Qualified Immunity)

As a separate and distinct affirmative defense, this answering Defendant alleges that Plaintiff's claims against this answering Defendant is barred as Defendant has qualified immunity from the allegations set forth in the operative Complaint.

TWENTY-SEVENTH AFFIRMATIVE DEFENSE

(Immunity for Civil Damages)

As a separate and distinct affirmative defense, answering Defendant alleges that it is shielded from liability for civil damages insofar as their conduct did not violate any statutory or constitutional right of which a reasonable person would have known.

TWENTY-EIGHTH AFFIRMATIVE DEFENSE

(Immunity for Execution or Enforcement of Laws)

Defendant alleges that it is not liable pursuant to statute by operation of *Government Code* sections 815.2(b), 815.4 and 820.4 for the execution or

1 enforcement of the law by public officers or employees exercising due care.

2 **TWENTY-NINTH AFFIRMATIVE DEFENSE**

3 **(Other Immunities for Public Entities)**

4 Defendant alleges that it is not liable for any injuries alleged in the operative
5 Complaint pursuant to statute by operation of Government Code section 815.3.

6 **THIRTIETH AFFIRMATIVE DEFENSE**

7 **(Legally Privileged or Justified)**

8 Defendant alleges that the conduct, if any, which is the subject of Plaintiff's
9 operative Complaint was absolutely and/or conditionally legally privileged and/or
10 justified. Furthermore, all actions by Defendant were in good faith and reasonable.

11 **THIRTY-FIRST AFFIRMATIVE DEFENSE**

12 **(Statute of Limitations)**

13 As a separate and distinct affirmative defense, this answering Defendant alleges
14 the operative Complaint is barred by the applicable statute of limitations including,
15 but not limited to *California Code of Civil Procedure* sections 225.1, 340, 340.8, 342,
16 335.1, 583.210, and/or Government Code section 810 et seq.

17 **THIRTY-SECOND AFFIRMATIVE DEFENSE**

18 **(Uncertainty)**

19 As a separate and distinct affirmative defense, this answering Defendant alleges
20 the causes of action in the operative Complaint, and each of them, are uncertain and
21 ambiguous as to the Plaintiff's claims for damages against this answering Defendant.

22 **THIRTY-THIRD AFFIRMATIVE DEFENSE**

23 **(Unclean Hands)**

24 As a separate and distinct affirmative defense, this answering Defendant alleges
25 that Plaintiff are barred from recovery under the operative Complaint, and each claim
26 for relief therein, by the doctrine of unclean hands.

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THIRTY-FOURTH AFFIRMATIVE DEFENSE

(Estoppel and Res Judicata)

As a separate and distinct affirmative defense, this answering Defendant alleges that Plaintiff is barred from recovery under the operative Complaint, and each claim for relief therein, by the doctrines of estoppel and res judicata.

THIRTY-FIFTH AFFIRMATIVE DEFENSE

(Indemnification)

As a separate and distinct affirmative defense, if any liability exists on the part of this answering Defendant to Plaintiff, such liability is to be completely or partially indemnified by another party.

THIRTY-SIXTH AFFIRMATIVE DEFENSE

(Laches)

As a separate and distinct affirmative defense, this answering Defendant alleges that the operative Complaint, and each cause of action contained therein, is barred pursuant to the equitable doctrine of laches.

THIRTY-SEVENTH AFFIRMATIVE DEFENSE

(Waiver)

As a separate and distinct affirmative defense, this answering Defendant alleges that the operative Complaint, and each claim contained therein, is barred pursuant to the equitable doctrine of waiver.

THIRTY-EIGHTH AFFIRMATIVE DEFENSE

(Joint and Several Obligations)

As a separate and distinct affirmative defense, any recovery by Plaintiff pursuant to the operative Complaint, and each purported cause of action contained therein, is governed, controlled, and limited by the provisions of California Civil Code sections 1431 *et seq.*

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THIRTY-NINTH AFFIRMATIVE DEFENSE

(Negligent Hiring by Others)

As a separate and distinct affirmative defense, this answering Defendant alleges that other parties are liable for the hiring and supervision of their employees, general contractor, professionals, and other subcontractors, which were negligent and actually caused all or some of the damages suffered by Plaintiff herein.

FORTIETH AFFIRMATIVE DEFENSE

(Exercised Reasonable Diligence)

As a separate and distinct affirmative defense, this answering Defendant alleges that it is not liable for the failure to discharge a mandatory duty in that it exercised reasonable diligence in the discharge of all duties as provided by Government Code sections 815.2(b) and 815.6.

FORTY-FIRST AFFIRMATIVE DEFENSE

(Course and Scope)

As a separate and distinct affirmative defense, this answering Defendant alleges that any recovery on the operative Complaint is barred to the extent that the wrongful conduct of any employee(s) of this answering Defendant alleged by Plaintiff were outside the course and scope of employment.

FORTY-SECOND AFFIRMATIVE DEFENSE

(Immunity for Discretionary Acts)

As a separate and distinct affirmative defense, this answering Defendant alleges that pursuant to Government Code sections 815(b), 815.4 and 820.2, a public entity and its employees, officers and agents are not responsible for injury and damages resulting from the act or omission that was a result of an exercise of discretion vested in such officer, employee or agent.

FORTY-THIRD AFFIRMATIVE DEFENSE

(No Entitlement to Exemplary/Punitive Damages)

As a separate and distinct affirmative defense, this answering Defendant alleges

1 that as a public entity, it is not liable for punitive damages pursuant to statute by
 2 operation of Government Code section 818.

3 **FORTY-FOURTH AFFIRMATIVE DEFENSE**

4 **(Immunity of Public Entities)**

5 As a separate and distinct affirmative defense, this answering Defendant alleges
 6 that they are not liable for an injury whether such injury arises out of an act or
 7 omission of the public entity or a public employee or any other person pursuant to
 8 Government Code Sections 815 and 820, et seq..

9 **FORTY-FIFTH AFFIRMATIVE DEFENSE**

10 **(Immunity Under Government Code section 855.6)**

11 As a separate and distinct affirmative defense, this answering Defendant alleges
 12 that they are immune from the causes of action in Plaintiff's operative Complaint due
 13 to the application of Government Code section 855.6

14 **FORTY-SIXTH AFFIRMATIVE DEFENSE**

15 **(Immunity Under Government Code section 856)**

16 As a separate and distinct affirmative defense, this answering Defendant alleges
 17 that they are immune from the causes of action in Plaintiff's operative Complaint due
 18 to the application of Government Code section 856.

19 **FORTY-SEVENTH AFFIRMATIVE DEFENSE**

20 **(Excessive, Unreasonable and Inflated Damages)**

21 As a separate and distinct affirmative defense, this answering Defendant assert
 22 that the damages alleged by Plaintiff are inflated in that the nature and extent of
 23 injuries and damages purportedly suffered by Plaintiff as a result of the events
 24 described in their operative Complaint are excessive, unreasonable and unnecessary.

25 **FORTY-EIGHTH AFFIRMATIVE DEFENSE**

26 **(Offset)**

27 As a separate and distinct affirmative defense, this answering Defendant alleges
 28 that they are entitled to an offset and/or reduction as to any amounts paid in

1 compensation for Plaintiff's alleged damages by way of contribution, settlement or
2 judgment of any claims, incident or lawsuit.

3 **FORTY-NINTH AFFIRMATIVE DEFENSE**

4 **(Self-Defense and Defense of Others)**

5 As a separate and distinct affirmative defense, this answering Defendant alleges
6 that the force used was caused and necessitated by the actions of the Plaintiff, and was
7 reasonable and necessary for self-defense and defense of others.

8 **FIFTIETH AFFIRMATIVE DEFENSE**

9 **(No Entitlement to Attorneys' Fees and Costs)**

10 As a separate and distinct affirmative defense, this answering Defendant alleges
11 that Plaintiff is not entitled to attorneys' fees and costs.

12 **FIFTY-FIRST AFFIRMATIVE DEFENSE**

13 **(Other Defenses Reserved)**

14 Defendant COUNTY OF LOS ANGELES presently has insufficient
15 knowledge or information upon which to form a belief as to whether it may have
16 additional, as yet unstated, affirmative defenses available. Defendant reserves herein
17 the right to assert additional affirmative defenses in the event discovery indicates that
18 they would be appropriate.

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HURRELL CANTRALL LLP
725 S. FIGUEROA STREET, SUITE 3800
LOS ANGELES, CALIFORNIA 90017
TELEPHONE (213) 426-2000

- 1 WHEREFORE, this answering Defendant prays for judgment as follows:
- 2 1. That Plaintiff takes nothing by reason of her FAC and that judgment be
- 3 entered in favor of answering Defendant;
- 4 2. Plaintiff's FAC be dismissed with prejudice;
- 5 3. That answering Defendant recover costs of suit incurred herein, including
- 6 reasonable attorneys' fees; and
- 7 4. For such other relief as the Court deems proper and just.
- 8

9 DATED: May 10, 2024

HURRELL CANTRALL LLP

10

11

12 By: /s/ Janet J. Hur

13 THOMAS C. HURRELL

14 CHRISTINA GASPARIAN

15 JANET J. HUR

16 Attorneys for Defendant, COUNTY OF

17 LOS ANGELES

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DEMAND FOR JURY TRIAL

Defendant COUNTY OF LOS ANGELES hereby respectfully demands a trial by jury in the above-entitled action. This demand is made as to all claims, matters and issues to which they may legally be entitled to demand a jury.

DATED: May 10, 2024

HURRELL CANTRALL LLP

By: /s/ Janet J. Hur

THOMAS C. HURRELL

CHRISTINA GASPARIAN

JANET J. HUR

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